

**MINUTES OF THE TOWN COUNCIL/PARKING AUTHORITY/REDEVELOPMENT
AGENCY MEETING
JUNE 18, 2012**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Monday, June 18, 2012 at 7:00 P.M.

CLOSED SESSION – 6:00 P.M.

PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION [Government Code Section 54957(b)(1)] Title: Town Manager

CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)
Agency Negotiator Rumi Portillo, Human Resources Director Unrepresented Employee: Town Manager

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Mayor Steve Rice, Vice Mayor Barbara Spector, Council Member Steven Leonardis, Council Member Diane McNutt, and Council Member Joe Pirzynski.
Absent: None

PLEDGE OF ALLEGIANCE

Will Forbes from Van Meter Elementary School led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Mayor Rice presented a Proclamation for Small Cities Month to Council Member Diane McNutt, as a member of the National League of Cities Small Cities Committee.

CLOSED SESSION REPORT

Judith Propp, Town Attorney, commented that Council took no reportable action.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

Mayor Steve Rice announced the next Meet the Mayor meeting would be after the July Council recess.

Manager Matters

- Commented that the Police Department will work on emergency notification systems with the Fire Department for wild land fire preparation.
- Commented that the Town's new Library is a designated cooling station.
- Commented that Christy Wolter, Parks and Facilities Superintendent, accepted a position with a private environmental consulting firm.

Did You Know??

Heidi Long, Interim Town Librarian

- Commented that the Los Gatos Library is hosting a free summer reading program for all ages, based on the theme of "Dream Big, Read."

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve Council Minutes of June 4, 2012
2. Adopt an ordinance between the Board of Administration California Public Employees' Retirement System and the Town Council of the Town of Los Gatos to add a second retirement tier for non-sworn ("Miscellaneous") Employees
3. Purchase of Police Portable Radios with Emergency Management Performance Grant Funds and Town "Matching" Funds
 - a. Accept grant funds from state of California Emergency Management Performance Grant (2011) for the purchase of thirty-six portable radios for police department personnel to enhance mutual aid interoperable communication
 - b. Authorize a General Fund Revenue Budget Adjustment in the amount of \$15,150.00 to reflect increased Operating Grant Revenues from the State of California Office of Emergency Services and a corresponding increase to Operating Expenditure Appropriations of \$15,150.00 in the Police Department Grant Program 4810-81104
4. A resolution of the Town of Los Gatos requesting that the County of Santa Clara Board of Supervisors consolidate a General Municipal Election to be held November 6, 2012 with the Statewide General election to be held on that date pursuant to Section 10403 of the Elections Code and authorizing other related actions
5. Zoning Code Amendment A-12-001. Applicant: Town of Los Gatos. Adopt an ordinance amending the Zoning Code to add Division 8 to Chapter 29, Article 1 entitled "Density Bonus"

Consent Items - Continued

6. PPW Job No. 11-02 Hicks Road and Phillips Avenue Storm Drain Culvert Improvements 461-816-0411
 - a. Authorize the Town Manager to execute a construction contract with SAK Construction Inc., in an amount not to exceed \$235,550
 - b. Authorize staff to execute future change orders to the construction contract as necessary in an amount not to exceed \$20,000
7. PPW Job No. A12-001 - Traffic Engineering Peer Review Consultant Services Authorize the Town Manager to execute an agreement for traffic engineering consultant services with TJKM Transportation Consultants Inc., to perform traffic engineering consultant services in the Town of Los Gatos on an on-call basis for private development review and public works projects as needed
8. PPW Job No. A12-002 - Traffic Signal and Street Light Maintenance Services Authorize the Town Manager to execute an agreement for traffic signal, street light, tree light, parks and parking lot light maintenance services with Republic ITS Inc.
9. PPW Job No. A12-003 - Geology and Geotechnical Peer Review Consultant Services Authorize the Town Manager to execute an agreement for geology and geotechnical engineering consultant services with AMEC Earth & Environmental Inc., to perform geology and geotechnical engineering consultant services in the Town of Los Gatos on an on-call basis for private development projects and public works projects as needed
10. PPW Job No. 12-02 University Avenue Sidewalk Construction Project (from Lark Avenue to the Creekside Sports Park Driveway) 813-0210 Approve plans and specifications for the University Avenue sidewalk construction (from Lark Avenue to the Creekside Sport Park driveway) project and authorize staff to advertise the project
11. PPW Job No. 11-12 Live Oak Manor Park ADA Upgrades Project. Approve plans and specifications for the Live Oak Manor Park ADA Upgrades Project and authorize staff to advertise the project for bid
12. PPW Job No. 12-01A Pageant Grounds Retaining Wall Construction Project 411-825-2501 Approve plans and specifications for the Pageant Grounds Retaining Wall Construction Project and authorize staff to advertise the project for bid
13. PPW Job No. 12-01 Pageant Grounds Renovation Project 411-825-2501 Approve plans and specifications for the Pageant Ground Renovation Project and authorize staff to advertise the project for bid

Consent Items - Continued

14. PPW Job No. A12-006 - Municipal Stormwater Permit Consultant Services
Authorize the Town Manager to execute a professional consultant agreement with EOA Inc. for a two-year period to perform a municipal stormwater permit peer review for private development projects and stormwater design for public works projects as needed
15. PPW Job. No. A11-002 - Tree Pruning Removal Contract Authorize Town Manager to execute an amendment to the agreement with West Coast Arborists, Inc., for a two-year period to provide tree trimming and removal services in the Town of Los Gatos

MOTION: **Motion by Council Member Steven Leonardis** to approve Consent Items #1-15.
 Seconded by Joe Pirzynski

VOTE: **Motion passed unanimously.**

VERBAL COMMUNICATIONS (Up to three minutes may be allotted to each speaker to address matters that are not on tonight's agenda.)

Ms. Elliot
- Expressed concern about Hillbrook School.

Ms. Moore
- Expressed concern about Hillbrook School.

Ms. Willy
- Expressed concern about Hillbrook School.

Mr. Allen
- Expressed concern about the intersection of College Avenue and Main Street.

Mr. Van Nada
- Expressed concern about Hillbrook School.

Mr. Arzie
- Commented that Los Gatos should no longer have at-large Council representation.

Verbal Communications - Continued

Mr. Larson

- Commented that staff met with representatives from the Hillbrook neighborhood and Hillbrook School, and both parties have agreed to participate in a facilitated discussion.
- Commented that the Town is enforcing the ordinance, and that Hillbrook School will have about 300 students over the summer, instead of 900 students as originally proposed, because Hillbrook School withdrew two summer programs.

PUBLIC HEARINGS

16. Landscaping and Lighting Assessment Districts No. 1 & 2

- a. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1 - Blackwell Drive Benefit Zone
- b. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1 - Kennedy Meadows Benefit Zone
- c. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1 - Santa Rosa Heights Benefit Zone
- d. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1 - Vasona Heights Benefit Zone
- e. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 1 - Hillbrook Drive Benefit Zone
- f. Adopt resolution confirming the diagram and assessments, and levying and authorizing collection of assessments for Landscape and Lighting Assessment District No. 2 - Gemini Court Benefit Zone

Todd Capurso, Director of Parks and Public Works, presented the staff report.

Open and Closed the Public Hearing

Public Hearing Item #16 – continued

MOTION: **Motion by Council Member Joe Pirzynski** to adopt a resolution confirming the diagram and assessment and levying and authorizing collection of assessments for following Landscape and Lighting Districts:
No. 1 - Blackwell Drive Benefit Zone;
No. 1 - Kennedy Meadows Benefit Zone;
No. 1 - Santa Rosa Heights Benefit Zone;
No. 1 - Vasona Heights Benefit Zone;
No. 1 - Hillbrook Drive Benefit Zone;
No. 2 - Gemini Court Benefit Zone
Seconded by Council Member Steven Leonardis.

VOTE: **Motion passed unanimously.**

17. Adopt resolution amending FY 2012/13 comprehensive fee schedule to continue and adjust certain department fees, rates, and charges (Continued from June 4, 2012)

Wendie Rooney, Community Development Director, presented the staff report.

Council Discussion

- Commented that the Community Development Department (CDD) is operating at a loss, so no fee reduction should occur.
- Commented that CDD is astute at cost recovery, and the proposed fees are appropriate.
- Commented that this proposal results in a higher percent of cost recovery, but the decrease in costs for planned developments are concerning.

Mr. Larson

- Commented that state law requires fees to reflect the actual cost.

Ms. Rooney

- Commented that in the future the Development Review Committee will do more review, thereby reducing costs.

Public Hearing Item #17 – continued

MOTION: **Motion by Council Member Joe Pirzynski** to adopt a resolution approving an amendment to certain development fees for FY 2012/13 (Attachment 1).
Seconded by Council Member Diane McNutt.

VOTE: Council Member Steven Leonardis voted nay. Motion passed.

OTHER BUSINESS

18. Property Location: 612 (AKA: 626) W. Parr Avenue. APN: 406-28-034. Property Owner: Villa Vasona Ltd. Applicant: Highland Property Development LLC. Adopt a resolution authorizing the Town Manager to:
- a. Rescind the Agreement for Disposition of Real Property between the Town of Los Gatos and Villa Vasona Ltd., dated September 28, 1983 and rescind the First Amendment to Agreement for Disposition of Real Property between the Town of Los Gatos and Villa Vasona Ltd., dated September 5, 1989; and
 - b. Negotiate and execute a new Agreement between the Town of Los Gatos and Highland Property Development LLC, for the disposition of real property at 612 (626) W. Parr Avenue, Los Gatos, CA

Joel Paulson, Senior Planner, presented the staff report.

Mr. Larson

- Commented that the agreement is substantially similar to the prior one, with several key changes, such as lower levels of affordability, and a one-time residual payment to the Town.

Opened and Closed the Public Hearing.

Item #18 – continued

MOTION: **Motion by Council Member Diane McNutt** to adopt a resolution authorizing the Town Manager to Rescind the Agreement for Disposition of Real Property between the Town of Los Gatos and Villa Vasona Ltd., dated September 28, 1983 and rescind the First Amendment to Agreement for Disposition of Real Property between the Town of Los Gatos and Villa Vasona Ltd., dated September 5, 1989; and negotiate and execute a new Agreement between the Town of Los Gatos and Highland Property Development LLC, for the disposition of real property at 612 (626) W. Parr Avenue, Los Gatos, CA. **Seconded by Council Member Joe Pirzynski.**

VOTE: **Motion passed unanimously.**

19. Off-Leash Park Use Pilot Program Implementation

- a. Accept the staff report on the community input process and recommendation for a Pilot Off-Leash Hours Program
- b. Direct staff to begin a pilot Dog Off-Leash Hours Program at Bachman Park daily between 7 a.m. and 9 a.m., and at Live Oak Manor Park daily between 9 a.m. and 11 a.m.
- c. Direct staff to report back to the Town Council regarding status of the program no later than six months after implementation

Todd Capurso, Director of Parks and Public Works, and Christy Wolter, Facilities Superintendent, presented the staff report.

Council Questions

- Questioned the number of dogs in the area and the different use patterns during different times of the year.
- Expressed concern about a private club using public park for off-leash activities.

Ms. Wolter

- Commented that current usage is 10-12 dogs at a time and that staff is looking at usage during different times of the year.

Item #19 – continued

Mr. Capurso

- Commented that an informal group may help the Town with a pilot program.

Opened the Public Hearing

Mr. Boyd

- Expressed concern about the off leash pilot program.

Ms. Flechsig

- Expressed concern about the off leash pilot program.

Ms. Foley-Boyd

- Expressed concern about the off leash pilot program.

Ms. Gruetter

- Expressed concern about the off leash pilot program.

Ms. Leeming

- Expressed concern about the off leash pilot program.

Mr. Lambert

- Expressed concern about the off leash pilot program.

Mr. Foster

- Expressed support for the off leash pilot program.

Mr. Farha

- Expressed support for the off leash pilot program.

Ms. Paisley

- Expressed concern about the off leash pilot program.

Mr. Martinskis

- Expressed concern about the off leash pilot program.

Mr. McClonehan

- Expressed support for the off leash pilot program.

Item #19 – continued

Ms. Connolly

- Expressed concern about the off leash pilot program.

Ms. Farwell

- Expressed support for the off leash pilot program.

Ms. Whelan

- Expressed concern about the off leash pilot program.

Mr. Bradbury

- Expressed support for the off leash pilot program.

Mayor Rice requested a recess at 8:46 p.m. The meeting reconvened at 8:55 p.m.

Ms. Despars

- Expressed concern about the off leash pilot program.

Ms. Woodlief

- Expressed support for the off leash pilot program.

Mr. Rennie

- Expressed support for the off leash pilot program.

Ms. Walker

- Expressed concern about the off leash pilot program.

Mr. Esslinger

- Expressed concern about the off leash pilot program.

Ms. McBrierty

- Expressed support for the off leash pilot program.

Mr. Gruetter

- Expressed concern about the off leash pilot program.

Ms. Stapleton

- Expressed concern about the off leash pilot program.

Item #19 – continued

Ms. Rennie

- Expressed support for the pilot program.

Mr. Campbell

- Expressed concern about the off leash pilot program.

Mr. Barcils

- Expressed concern about the off leash pilot program.

Mr. Walker

- Expressed concern about the off leash pilot program.

Mr. Allwardt

- Expressed support for the off leash pilot program.

Closed the Public Hearing

Council Discussion

- Commented that the pilot program should be studied further and brought back to Council because this analysis was fast-tracked.
- Commented that San Carlos is conducting an off leash pilot program so it is advisable to watch and see what happens in that jurisdiction.
- Commented that the pilot program can be revoked at any time.
- Commented that the public should be commended for its civil participation.
- Commented that there is understandable fear about off leash dogs but there are also positive interactions between people who own dogs.
- Commented that staff may re-explore the possibility of a fenced off leash area, and Balzer Field may serve this purpose.
- Commented it may be difficult to monitor the number of dogs in an unleashed area and it becomes a difficult situation to police, especially when the program is publicized.

Mr. Larson

- Commented that this was a limited study in a limited amount of time.
- Commented that a fenced dog park would require capital expenditures and perhaps environmental review.

Council Consensus

Council decided not to approve the pilot program at this time and directed staff to conduct further study.

ADJOURNMENT

The meeting adjourned at 10:35 p.m. in memory of Los Gatos resident and Los Gatos High School Educator, Ted Simonson.

Attest:

/s/Mazarin A. Vakharia
Clerk Administrator